



REC

OCT 02 2002

RECEIVED

GROUP 3600

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents
Washington, D.C. 20231

9/24/02

on:
Date of Deposit

Andrew D. Stover

Name of applicant, assignee or
Registered Representative

Signature

9/24/02

Date of Signature

Our Case No. 33/759

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Oberth et al.)
Serial No. 09/512,894) Examiner: G. Hartmann
Reissue of Patent No. 5,733,062) Group Art Unit No. 3671
Filing Date: February 24, 2000)
For: HIGHWAY CRASH CUSHION AND)
COMPONENTS THEREOF)

REPLY TO JULY 26, 2002 OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the outstanding Office Action mailed July 26, 2002, please find enclosed a Reissue Patent Application Statement As to Loss of Original patent executed by an officer of the Assignee, Energy Absorption Systems, Inc. Any questions about this Reply or the attached statement should be directed to the undersigned attorney at (312) 321-4713.

Dated: 9/24/02

By:

Respectfully submitted,


Andrew D. Stover
Reg. No. 38,629
Attorney for Applicants

BRINKS HOFER GILSON & LIONE LTD.
Post Office Box 10395
Chicago, Illinois 60610
(312) 321-4200



Our Case No. 33/759

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Oberth et al.)
Serial No. 09/512,894) Examiner: G. Hartmann
Reissue of Patent No. 5,733,062) Group Art Unit No. 3671
Filing Date: February 24, 2000)
For: HIGHWAY CRASH CUSHION AND)
COMPONENTS THEREOF)

OCT 02 2002

RECEIVED
GROUP 300

REISSUE PATENT APPLICATION STATEMENT AS TO LOSS OF ORIGINAL
PATENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Joan R. Riley, do hereby declare and state:

1. I am the Secretary of Energy Absorption Systems, Inc., which is the Assignee and current owner of a 100% interest in U.S. Patent No. 5,733,062. A Certificate Under 37 CFR 3.73(b) establishing ownership of the Assignee was previously filed in the above-referenced application on February 24, 2000. A copy of the Certificate is enclosed herewith.
2. The ribboned original U.S. Patent No. 5,733,062 is lost or inaccessible.
3. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature: *Joan R. Riley*
Name: Joan R. Riley
Title: Secretary

Date: *September 23, 2002*



CERTIFICATE UNDER 37 CFR 3.73(b)

Applicant: Oberth et al. _____

Patent No.: 5,733,062 _____ Issued: March 31, 1998

For: HIGHWAY CRASH CUSHION AND COMPONENTS THEREOF

Energy Absorption Systems, Inc. a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8047, Frame 34, or for which a copy thereof is attached.
OR

B. A chain of title from the inventor(s), of the patent identified above, to the current assignee as shown below:

1. From: _____ To:
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To:
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To:
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.
 Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

February 14, 2000

Name:

Joan R. Riley

Title:

Secretary

Signature:

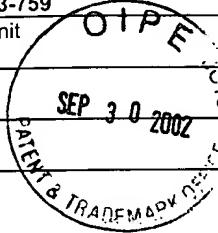
Joan R. Riley

rev. Dec.-99

C:\Word Documents\Working Files\Energy\Reissue of '062\CERTIFICATE UNDER 37 CFR 3.doc

3671

TRANSMITTAL LETTER			Case No. 33-759
Reissue of Patent No. 5,733,062 Serial No. 09/512,894	Filing Date February 24, 2000	Examiner G. Hartmann	Group Art Unit 3671
Inventor(s) Oberth et al.			
Title of Invention HIGHWAY CRASH CUSHION AND COMPONENTS THEREOF			



TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal (in duplicate); Reply to July 26, 2002 Office Action; Reissue Patent Application Statement As To Loss Of Original Patent dated September 23, 2002; copy of Certificate Under 37 CFR 3.73(b); and return receipt postcard.

Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.

A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.

Petition for a month extension of time.

No additional fee is required.

The fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total	0	Minus	0	0
Indep.	0	Minus	0	0
First Presentation of Multiple Dep. Claim				

Small Entity		Other Than Small Entity	
Rate	Add'l Fee	Rate	Add'l Fee
x \$9=		x \$18=	0
x 42=		x \$84=	0
+\$140=		+\$280=	
Total add'l fee	\$	Total add'l fee	\$0

Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.

A check in the amount of \$ to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Andrew D. Stover
Registration No. 38,629
Attorney for Applicant
Customer No. 00757

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on September 24, 2002.

Date: 9/24/02 Signature:

rev. Dec.-00
Document1

RECEIVED
OCT 02 2002
GROUP 3600